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AMENDED IN ASSEMBLY JUNE 22, 2006

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SENATE BILL

No. 1640

Introduced by Senator Kuehl

(Coauthors: Senators Bowen and Machado)

(Coauthors: Assembly Members ~~Pavley~~ *Laird, Pavley*, and Ruskin)

February 24, 2006

An act to amend Sections 5101, 5107, 10004.5, 10004.6, 10620, 10631, 10642, 10644, 10645, 10656, 10753.7, 10814, 10816, 10840, 10841, 10844, and 12924 of, to add Sections 142, 10826.1, and 10826.2 to, to add Part 2.11 (commencing with Section 10920) to Division 6 of, to repeal Sections 10822, 10823, 10824, and 10855 of, and to repeal and add Sections 10657, 10811, 10820, 10821, 10825, 10826, 10845, 10853, and 10854 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1640, as amended, Kuehl. Water.

(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2007, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of

hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

(2) Existing law, except as specified, requires each person who, after December 31, 1965, diverts water to file with the State Water Resources Control Board, before July 1 of the succeeding year, a statement of diversion and use. Existing law excepts diversions that are covered by an application, or a permit or license to appropriate water on file with the state board. Existing law also excepts diversions reported by the department in its hydrologic data bulletins or included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins. Under existing law, the making of any willful misstatement regarding statements of diversion or use is a misdemeanor and any person who makes a material misstatement under these provisions may be civilly liable. Under existing law, statements filed pursuant to those provisions are for informational purposes only, and, except as specified, neither the failure to file a statement nor any error in the information filed have any legal consequences.

This bill would also exempt diversions covered by a permit or license to appropriate water or a registration of appropriation for small domestic or livestock stockpond uses that are on file with the state board, specified diversions by the department from state water facilities, and certain diversions that occurred before January 1, 2007.

The bill would delete that informational purpose provision and expand the civil liability provision to apply to any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2007. The bill would also make any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2007, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

(3) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. Existing law requires the department to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion of specified topics.

This bill would require a plan that is due on or after December 31, 2013, to include a discussion of the amount of energy both produced

by, and required by, each strategy, during peak and nonpeak use, that may be pursued to meet the future water needs of the state, and would require the department to release certain information regarding the amount of energy both produced by, and required to provide, current and projected water supplies.

(4) Existing law requires every urban water supplier to prepare and adopt an urban water management plan, as prescribed, including a requirement that the urban water supplier coordinate the preparation of the plan with other appropriate agencies, to the extent practicable. Existing law requires an urban water supplier to submit a copy of its plan to the department, the California State Library, and any city or county within which the supplier provides water supplies, and to make the plan available for public review during normal business hours.

This bill would include public utilities that provide electric or gas service among those coordinating agencies. The bill would require a plan to quantify the amount of energy both produced and required by certain existing and planned water sources and, with regard to a cost-benefit analysis for water demand management measures, to include energy costs and benefits of conserved water during periods of peak and nonpeak use. The bill would revise requirements relating to the provision of public notice with regard to the preparation and adoption of an urban water management plan. The bill would require an urban water supplier to submit a copy of its plan to additional entities, and to make the plan available for public review on its Internet Web site, or as otherwise specified in the absence of an Internet Web site.

(5) Under existing law, if an urban water supplier fails to prepare, adopt, and submit an urban water management plan, it is ineligible for certain bond funds and drought assistance until it does so. Existing law, until January 1, 2006, also requires the department to take into consideration whether a plan has been submitted in determining eligibility for other program funds.

This bill would delete those provisions, and would, instead, make an urban water supplier that fails to prepare, adopt, and submit an urban water management plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority until it does so.

(6) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan

pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, except as specified, would require a local agency to update the plan on or before December 31, 2008, and every 5 years thereafter. The bill would require a local agency to submit a copy of its plan to specified entities not later than 30 days after the date of its adoption. By establishing requirements on a local agency, the bill would impose a state-mandated local program.

The bill would establish a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by the department as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a particular basin or subbasin. The bill would require the department to work cooperatively with each monitoring entity to ~~reach an agreement with regard to the manner in which the monitoring entity will perform its monitoring and reporting functions~~ *determine the manner in which groundwater elevation information should be reported to the department*. The bill would authorize the department to make recommendations for improving an existing monitoring program; require additional monitoring wells under certain circumstances; and require the department, under prescribed circumstances, to establish one or more groundwater monitoring districts for those portions of a basin or a subbasin for which no monitoring entity has agreed to perform monitoring and reporting functions under this program.

(7) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That existing law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2010. The bill would delete the definition of “agricultural water supplier” or “supplier” and

would, instead, require the department to conduct a survey of agricultural water agencies to gather data, assess, and analyze that data, and recommend the appropriate minimum size of a water agency that should prepare an agricultural water management plan. The bill would require the department to report its findings and recommendations to the Governor and the Legislature before January 1, 2008. The bill would state the intent of the Legislature to respond to the department's report, and enact legislation defining the term "agricultural water supplier." The bill would require every person that becomes an agricultural water supplier after December 31, 2010, to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. The bill would require an agricultural water supplier to update the plan, file it, and make it available, as prescribed. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority. The bill would require an agricultural water supplier to make the plan available for public review on the supplier's Internet Web site, or as otherwise specified in the absence of an Internet Web site.

(8) Existing law requires the department to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill, instead, would require the department to submit that report not later than January 1, 2010, and every 5 years thereafter.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 142 is added to the Water Code, to read:

142. Commencing in 2007, and every two years thereafter, the department shall prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area, a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor. The range of hydrologic conditions shall include the historic extended dry cycle and the long-term average. The biennial report shall also disclose, for each of the 10 years immediately preceding the report, the total amount of project water delivered and the amount of project water delivered to each contractor. The information presented in each report shall be presented in a manner readily understandable by the public.

SEC. 2. Section 5101 of the Water Code is amended to read:

5101. Each person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his or her diversion and use; provided, however, that no statement need be filed if the diversion is any of the following:

(a) From a spring that does not flow off the property on which it is located.

(b) Covered by a permit or license to appropriate water, or a registration of appropriation for small domestic or livestock stockpond uses, on file with the board.

(c) Included in a notice filed pursuant to Part 5 (commencing with Section 4999).

(d) Regulated by a watermaster appointed by the department.

(e) Included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water that has been diverted from each source.

(f) For use in compliance with Article 2.5 (commencing with Section 1226) of Chapter 1 of Part 2.

(g) A diversion by the department from state water facilities to satisfy prior rights as reported in the department's annual bulletin 132, entitled "Management of the California State Water Project."

1 (h) A diversion that occurs before January 1, 2007, if any of
2 the following applies:

3 (1) The diversion is covered by an application to appropriate
4 water on file with the board.

5 (2) The diversion is reported by the department in its
6 hydrologic data bulletins.

7 (3) The diversion is included in the consumptive use data for
8 the delta lowlands published by the department in its hydrologic
9 data bulletins.

10 SEC. 3. Section 5107 of the Water Code is amended to read:

11 5107. (a) The making of any willful misstatement pursuant to
12 this part is a misdemeanor punishable by a fine not exceeding
13 one thousand dollars (\$1,000) or by imprisonment in the county
14 jail for not to exceed six months, or both.

15 (b) Any person who fails to file a statement required to be
16 filed under this part for a diversion or use that occurs on or after
17 January 1, 2006, or who makes a material misstatement pursuant
18 to this part may be liable civilly as provided in subdivision (c).
19 Nothing in this subdivision or in subdivision (c) shall be
20 construed to prevent the board from issuing a warning upon a
21 first offense.

22 (c) Civil liability may be administratively imposed by the
23 board pursuant to Section 1055 in an amount not to exceed five
24 hundred dollars (\$500) for each violation. In determining the
25 appropriate amount, the board shall consider all relevant
26 circumstances, including, but not limited to, all of the following
27 factors:

28 (1) The circumstances that led to the violation.

29 (2) The extent of harm caused by the violation.

30 (3) The nature and persistence of the violation.

31 (4) The length of time over which the violation occurs.

32 (5) Any corrective action undertaken by the violator.

33 (d) All funds recovered pursuant to this section shall be
34 deposited in the Water Rights Fund established pursuant to
35 Section 1550.

36 (e) Any person who fails to file a statement required to be filed
37 under this part for a diversion or use that occurs on or after
38 January 1, 2007, is ineligible for funds made available pursuant
39 to any program administered by the board, the department, or the
40 California Bay-Delta Authority.

1 SEC. 4. Section 10004.5 of the Water Code is amended to
2 read:

3 10004.5. As part of the requirement of the department to
4 update the California Water Plan pursuant to subdivision (b) of
5 Section 10004, the department shall include in the plan a
6 discussion of all of the following:

7 (a) Various strategies, including, but not limited to, those
8 relating to the development of new water storage facilities, water
9 conservation, water recycling, desalination, conjunctive use, and
10 water transfers that may be pursued in order to meet the future
11 water needs of the state.

12 (b) For a plan that is due on or after December 31, 2013, the
13 amount of energy both produced by, and required by, each
14 strategy during periods of both peak and nonpeak use, including
15 consideration of the costs and benefits of the energy both
16 produced and required by each strategy.

17 (c) The potential for alternative water pricing policies to
18 change current and projected uses.

19 (d) The potential advantages and disadvantages of each
20 strategy and an identification of all federal and state permits,
21 approvals, or entitlements that are anticipated to be required in
22 order to implement the various components of the strategy.

23 SEC. 5. Section 10004.6 of the Water Code is amended to
24 read:

25 10004.6. (a) As part of updating the California Water Plan
26 every five years pursuant to subdivision (b) of Section 10004, the
27 department shall conduct a study to determine the amount of
28 water needed to meet the state's future needs and to recommend
29 programs, policies, and facilities to meet those needs.

30 (b) The department shall consult with the advisory committee
31 established pursuant to subdivision (b) of Section 10004 in
32 carrying out this section.

33 (c) One year prior to issuing each update to the California
34 Water Plan, the department shall release a preliminary draft of
35 the assumptions and other estimates upon which the study will be
36 based, to interested persons and entities throughout the state for
37 their review and comments. The department shall provide these
38 persons and entities an opportunity to present written or oral
39 comments on the preliminary draft. The department shall
40 consider these documents when adopting the final assumptions

1 and estimates for the study. For the purpose of carrying out this
2 subdivision, the department shall release, at a minimum,
3 assumptions and other estimates relating to all of the following:

4 (1) Basin hydrology, including annual rainfall, estimated
5 unimpaired stream flow, depletions, and consumptive uses.

6 (2) Groundwater supplies, including estimates of sustainable
7 yield, supplies necessary to recover overdraft basins, and
8 supplies lost due to pollution and other groundwater
9 contaminants.

10 (3) Current and projected land use patterns, including the mix
11 of residential, commercial, industrial, agricultural, and
12 undeveloped lands.

13 (4) Environmental water needs, including regulatory instream
14 flow requirements, nonregulated instream uses, and water needs
15 by wetlands, preserves, refuges, and other managed and
16 unmanaged natural resource lands.

17 (5) Current and projected population.

18 (6) Current and projected water use for all of the following:

19 (A) Interior uses in a single-family dwelling.

20 (B) Exterior uses in a single-family dwelling.

21 (C) All uses in a multifamily dwelling.

22 (D) Commercial uses.

23 (E) Industrial uses.

24 (F) Parks and open spaces.

25 (7) Evapotranspiration rates for major crop types, including
26 estimates of evaporative losses by irrigation practice and the
27 extent to which evaporation reduces transpiration.

28 (8) Current and projected adoption of urban and agricultural
29 conservation practices.

30 (9) Current and projected supplies of water provided by water
31 recycling and reuse.

32 (10) For a preliminary draft of the assumptions and other
33 estimates due on or after December 31, 2012, the amount of
34 energy both produced by and required to provide current and
35 projected water supplies during periods of both peak and
36 nonpeak use, including consideration of the costs and benefits of
37 the energy both produced and required by the current and
38 projected water supplies.

39 (d) The department shall include a discussion of the potential
40 for alternative water pricing policies to change current and

1 projected water uses identified pursuant to paragraph (6) of
2 subdivision (c).

3 (e) Nothing in this section requires or prohibits the department
4 from updating any data necessary to update the California Water
5 Plan pursuant to subdivision (b) of Section 10004.

6 SEC. 6. Section 10620 of the Water Code is amended to read:

7 10620. (a) Every urban water supplier shall prepare and
8 adopt an urban water management plan in the manner set forth in
9 Article 3 (commencing with Section 10640).

10 (b) Every person that becomes an urban water supplier shall
11 adopt an urban water management plan within one year after it
12 has become an urban water supplier.

13 (c) An urban water supplier indirectly providing water shall
14 not include planning elements in its water management plan as
15 provided in Article 2 (commencing with Section 10630) that
16 would be applicable to urban water suppliers or public agencies
17 directly providing water, or to their customers, without the
18 consent of those suppliers or public agencies.

19 (d) (1) An urban water supplier may satisfy the requirements
20 of this part by participation in areawide, regional, watershed, or
21 basinwide water management planning where those plans will
22 reduce preparation costs and contribute to the achievement of
23 conservation and efficient water use.

24 (2) Each urban water supplier shall coordinate the preparation
25 of its plan with other appropriate agencies in the area, including
26 other water suppliers that share a common source, water
27 management agencies, public utilities that provide electric or gas
28 service, and other relevant public agencies, to the extent
29 practicable.

30 (e) The urban water supplier may prepare the plan with its
31 own staff, by contract, or in cooperation with other governmental
32 agencies.

33 (f) An urban water supplier shall describe in the plan water
34 management tools and options used by that entity that will
35 maximize resources, improve water supply reliability, and
36 minimize the need to import water from other regions.

37 SEC. 7. Section 10631 of the Water Code is amended to read:

38 10631. A plan shall be adopted in accordance with this
39 chapter and shall do all of the following:

1 (a) Describe the service area of the supplier, including current
2 and projected population, climate, and other demographic factors
3 affecting the supplier's water management planning. The
4 projected population estimates shall be based upon data from the
5 state, regional, or local service agency population projections
6 within the service area of the urban water supplier and shall be in
7 five-year increments to 20 years or as far as data is available.

8 (b) Identify and quantify, to the extent practicable, the existing
9 and planned sources of water available to the supplier over the
10 same five-year increments described in subdivision (a). If
11 groundwater is identified as an existing or planned source of
12 water available to the supplier, all of the following information
13 shall be included in the plan:

14 (1) A copy of any groundwater management plan adopted by
15 the urban water supplier, including plans adopted pursuant to
16 Part 2.75 (commencing with Section 10750), or any other
17 specific authorization for groundwater management.

18 (2) A description of any groundwater basin or basins from
19 which the urban water supplier pumps groundwater. For those
20 basins for which a court or the board has adjudicated the rights to
21 pump groundwater, a copy of the order or decree adopted by the
22 court or the board and a description of the amount of
23 groundwater the urban water supplier has the legal right to pump
24 under the order or decree. For basins that have not been
25 adjudicated, information as to whether the department has
26 identified the basin or basins as overdrafted or has projected that
27 the basin will become overdrafted if present management
28 conditions continue, in the most current official departmental
29 bulletin that characterizes the condition of the groundwater basin,
30 and a detailed description of the efforts being undertaken by the
31 urban water supplier to eliminate the long-term overdraft
32 condition.

33 (3) A detailed description and analysis of the location, amount,
34 and sufficiency of groundwater pumped by the urban water
35 supplier for the past five years. The description and analysis shall
36 be based on information that is reasonably available, including,
37 but not limited to, historic use records.

38 (4) A detailed description and analysis of the amount and
39 location of groundwater that is projected to be pumped by the
40 urban water supplier. The description and analysis shall be based

1 on information that is reasonably available, including, but not
2 limited to, historic use records.

3 (c) Describe the reliability of the water supply and
4 vulnerability to seasonal or climatic shortage, to the extent
5 practicable, and provide data for each of the following:

6 (1) An average water year.

7 (2) A single dry water year.

8 (3) Multiple dry water years.

9 For any water source that may not be available at a consistent
10 level of use, given specific legal, environmental, water quality, or
11 climatic factors, describe plans to supplement or replace that
12 source with alternative sources or water demand management
13 measures, to the extent practicable.

14 (d) Describe the opportunities for exchanges or transfers of
15 water on a short-term or long-term basis.

16 (e) Quantify the amount of energy both produced by, and
17 required by, each existing and planned water source identified in
18 subdivisions (b) and (d) during periods of both peak and nonpeak
19 use, including consideration of the costs and benefits of the
20 energy both produced by, and required by, each source.

21 (f) (1) Quantify, to the extent records are available, past and
22 current water use, over the same five-year increments described
23 in subdivision (a), and projected water use, identifying the uses
24 among water use sectors including, but not necessarily limited to,
25 all of the following uses:

26 (A) Single-family residential.

27 (B) Multifamily.

28 (C) Commercial.

29 (D) Industrial.

30 (E) Institutional and governmental.

31 (F) Landscape.

32 (G) Sales to other agencies.

33 (H) Saline water intrusion barriers, groundwater recharge, or
34 conjunctive use, or any combination thereof.

35 (I) Agricultural.

36 (2) The water use projections shall be in the same five-year
37 increments described in subdivision (a).

38 (g) Provide a description of the supplier's water demand
39 management measures. This description shall include all of the
40 following:

1 (1) A description of each water demand management measure
2 that is currently being implemented, or scheduled for
3 implementation, including the steps necessary to implement any
4 proposed measures, including, but not limited to, all of the
5 following:

6 (A) Water survey programs for single-family residential and
7 multifamily residential customers.

8 (B) Residential plumbing retrofit.

9 (C) System water audits, leak detection, and repair.

10 (D) Metering with commodity rates for all new connections
11 and retrofit of existing connections.

12 (E) Large landscape conservation programs and incentives.

13 (F) High-efficiency washing machine rebate programs.

14 (G) Public information programs.

15 (H) School education programs.

16 (I) Conservation programs for commercial, industrial, and
17 institutional accounts.

18 (J) Wholesale agency programs.

19 (K) Conservation pricing.

20 (L) Water conservation coordinator.

21 (M) Water waste prohibition.

22 (N) Residential ultra-low-flush toilet replacement programs.

23 (2) A schedule of implementation for all water demand
24 management measures proposed or described in the plan.

25 (3) A description of the methods, if any, that the supplier will
26 use to evaluate the effectiveness of water demand management
27 measures implemented or described under the plan.

28 (4) An estimate, if available, of existing conservation savings
29 on water use within the supplier's service area, and the effect of
30 the savings on the supplier's ability to further reduce demand.

31 (h) An evaluation of each water demand management measure
32 listed in paragraph (1) of subdivision (g) that is not currently
33 being implemented or scheduled for implementation. In the
34 course of the evaluation, first consideration shall be given to
35 water demand management measures, or combination of
36 measures, that offer lower incremental costs than expanded or
37 additional water supplies. This evaluation shall do all of the
38 following:

1 (1) Take into account economic and noneconomic factors,
2 including environmental, social, health, customer impact, and
3 technological factors.

4 (2) Include a cost-benefit analysis, identifying total benefits
5 and total costs, including, but not limited to, the energy costs and
6 benefits of conserved water during periods of peak and nonpeak
7 use.

8 (3) Include a description of funding available to implement
9 any planned water supply project that would provide water at a
10 higher unit cost.

11 (4) Include a description of the water supplier's legal authority
12 to implement the measure and efforts to work with other relevant
13 agencies to ensure the implementation of the measure and to
14 share the cost of implementation.

15 (i) Include a description of all water supply projects and water
16 supply programs that may be undertaken by the urban water
17 supplier to meet the total projected water use as established
18 pursuant to subdivision (a) of Section 10635, including a
19 discussion of supply sources and management programs
20 considered but rejected and the extent to which the urban water
21 supplier has diversified its sources of supply as a means to
22 improve overall reliability. The urban water supplier shall
23 include a detailed description of expected future projects and
24 programs, other than the demand management programs
25 identified pursuant to paragraph (1) of subdivision (g), that the
26 urban water supplier may implement to increase the amount,
27 improve the reliability, or improve the quality, of the water
28 supply available to the urban water supplier in average,
29 single-dry, and multiple-dry water years. The description shall
30 identify specific projects and include a description of the increase
31 in the amount of water supply, improvements to water quality, if
32 any, and the planned reliability of the supply that is expected to
33 be available from each project. The description shall include an
34 estimate with regard to the implementation timeline for each
35 project or program.

36 (j) Describe the opportunities for development of desalinated
37 water, including, but not limited to, ocean water, brackish water,
38 and groundwater, as a long-term supply.

39 (k) Urban water suppliers that are members of the California
40 Urban Water Conservation Council and submit annual reports to

1 that council in accordance with the “Memorandum of
2 Understanding Regarding Urban Water Conservation in
3 California,” dated September 1991, may submit the annual
4 reports identifying water demand management measures
5 currently being implemented, or scheduled for implementation, if
6 those reports document measures that are consistent with the
7 requirements of that memorandum, to satisfy the requirements of
8 subdivisions (g) and (h).

9 (l) Urban water suppliers that rely upon a wholesale agency
10 for a source of water shall provide the wholesale agency with
11 water use projections from that agency for that source of water in
12 five-year increments to 20 years or as far as data is available. The
13 wholesale agency shall provide information to the urban water
14 supplier for inclusion in the urban water supplier’s plan that
15 identifies and quantifies, to the extent practicable, the existing
16 and planned sources of water as required by subdivision (b),
17 available from the wholesale agency to the urban water supplier
18 over the same five-year increments, and during various
19 water-year types in accordance with subdivision (c). An urban
20 water supplier may rely upon water supply information provided
21 by the wholesale agency in fulfilling the plan informational
22 requirements of subdivisions (b) and (c).

23 SEC. 8. Section 10642 of the Water Code is amended to read:

24 10642. (a) Each urban water supplier shall encourage the
25 active involvement of diverse social, cultural, and economic
26 elements of the population within the service area prior to and
27 during the preparation of the plan.

28 Before adopting the plan, the urban water supplier shall do all
29 of the following:

30 (1) Publish notice of the availability for review of a proposed
31 plan one time in a newspaper of general circulation in the
32 jurisdiction of the urban water supplier and by first-class mail to
33 organizations and individuals who have previously requested
34 notice in writing. The notice shall also set forth the dates of the
35 public review period for the proposed plan; the date, time, and
36 place of a scheduled public meeting to receive input concerning
37 the contents of the plan; and the date, time, and place of a
38 scheduled public hearing at which the adoption of the proposed
39 plan will be considered.

1 (2) Provide a public review period for the proposed plan of not
2 less than 30 days.

3 (3) Hold a public meeting during the noticed public review
4 period.

5 (4) Provide notice of the time and place of the plan adoption
6 hearing to the legislative body of any city or county within which
7 the supplier provides water supplies. A privately owned water
8 supplier shall provide an equivalent notice within its service area.
9 After the hearing, the plan shall be adopted as prepared or as
10 modified after the hearing.

11 (b) Before the adoption of the plan, an urban water supplier
12 shall evaluate and respond only to those written comments it
13 receives during the noticed public review period. The responses
14 shall describe the disposition of each significant issue raised by
15 commenters that is properly the subject of the plan. If an urban
16 water supplier does not make revisions in response to a comment
17 or group of similar comments raising a major issue on which the
18 supplier's position is at variance with the recommendations or
19 objections raised in the comment, the supplier shall state the
20 reasons therefor, or determine that the comment or comments do
21 not raise issues that are relevant to the subject of the plan.
22 Revisions or responses may be set forth in a separate section of,
23 or appendix to, the plan.

24 (c) Once a plan has been adopted in accordance with
25 subdivision (a), a plan may be amended or changed at any time
26 within the five-year update period, if the requirements described
27 in subdivision (b) of Section 10621 are met and a public hearing
28 is held to consider those amendments or changes.

29 SEC. 9. Section 10644 of the Water Code is amended to read:

30 10644. (a) An urban water supplier shall submit to the
31 entities listed in subdivision (b) a copy of its plan no later than 30
32 days after adoption. Copies of amendments or changes to the
33 plans shall be submitted to the entities listed in subdivision (b)
34 within 30 days after adoption.

35 (b) An urban water supplier shall file a copy of its plan and
36 amendments or changes with each of the following entities:

37 (1) The department.

38 (2) Any city or county within which the urban water supplier
39 provides water supplies.

1 (3) Any groundwater management entity within which the
2 urban water supplier extracts or provides water supplies.

3 (4) Any agricultural water supplier within which district the
4 urban water supplier provides water supplies.

5 (5) Any city or county library within which district the urban
6 water supplier provides water supplies.

7 (6) The California State Library.

8 (7) Any local agency formation commission within which
9 county the urban water supplier provides water supplies.

10 (c) The department shall prepare and submit to the Legislature,
11 on or before December 31, in the years ending in six or one, a
12 report summarizing the status of the plans adopted pursuant to
13 this part. The report prepared by the department shall identify the
14 outstanding elements of the individual plans. The department
15 shall provide a copy of the report to each urban water supplier
16 that has submitted its plan to the department. The department
17 shall also prepare reports and provide data for any legislative
18 hearings designed to consider the effectiveness of plans
19 submitted pursuant to this part.

20 SEC. 10. Section 10645 of the Water Code is amended to
21 read:

22 10645. (a) Not later than 30 days after adopting its plan, the
23 urban water supplier shall make the plan available for public
24 review on the Internet Web site of the urban water supplier.

25 (b) An urban water supplier that does not have an Internet
26 Web site shall submit to the department, not later than 30 days
27 after the date of the adoption of its plan, a copy of the adopted
28 plan in an electronic format. The department shall make the plan
29 available for public review by means of the department's Internet
30 Web site.

31 SEC. 11. Section 10656 of the Water Code is amended to
32 read:

33 10656. An urban water supplier that does not prepare, adopt,
34 and submit its urban water management plan in accordance with
35 this part, is ineligible to receive funds made available pursuant to
36 any program administered by the board, the department, or the
37 California Bay-Delta Authority until the urban water
38 management plan is submitted pursuant to this article.

39 SEC. 12. Section 10657 of the Water Code is repealed.

40 SEC. 13. Section 10657 is added to the Water Code, to read:

1 10657. The amendments to this part enacted at the 2005-06
2 Regular Session of the Legislature shall not apply to those urban
3 water management plans required by this part to be adopted on or
4 before January 1, 2007.

5 SEC. 14. Section 10753.7 of the Water Code is amended to
6 read:

7 10753.7. (a) For the purposes of qualifying as a groundwater
8 management plan under this section, a plan shall contain the
9 components that are set forth in this section. In addition to the
10 requirements of a specific funding program, any local agency
11 seeking state funds administered by the department, the board, or
12 the California Bay-Delta Authority for the construction of
13 groundwater projects or groundwater quality projects, excluding
14 programs that are funded under Part 2.78 (commencing with
15 Section 10795), shall do all of the following:

16 (1) Prepare and implement a groundwater management plan
17 that includes basin management objectives for the groundwater
18 basin that is subject to the plan. The plan shall include
19 components relating to the monitoring and management of
20 groundwater levels within the groundwater basin, groundwater
21 quality degradation, inelastic land surface subsidence, and
22 changes in surface flow and surface water quality that directly
23 affect groundwater levels or quality or are caused by
24 groundwater pumping in the basin.

25 (2) For the purposes of carrying out paragraph (1), the local
26 agency shall prepare a plan to involve other agencies that enables
27 the local agency to work cooperatively with other public entities
28 whose service area or boundary overlies the groundwater basin.

29 (3) For the purposes of carrying out paragraph (1), the local
30 agency shall prepare a map that details the area of the
31 groundwater basin, as defined in the department's Bulletin No.
32 118, and the area of the local agency, that will be subject to the
33 plan, as well as the boundaries of other local agencies that overlie
34 the basin in which the agency is developing a groundwater
35 management plan.

36 (4) The local agency shall adopt monitoring protocols that are
37 designed to detect changes in groundwater levels, groundwater
38 quality, inelastic surface subsidence for basins for which
39 subsidence has been identified as a potential problem, and flow
40 and quality of surface water that directly affect groundwater

1 levels or quality or are caused by groundwater pumping in the
2 basin. The monitoring protocols shall be designed to generate
3 information that promotes efficient and effective groundwater
4 management.

5 (5) Local agencies that are located in areas outside the
6 groundwater basins delineated on the latest edition of the
7 department's groundwater basin and subbasin map shall prepare
8 groundwater management plans incorporating the components in
9 this subdivision, and shall use geologic and hydrologic principles
10 appropriate to those areas.

11 (6) (A) The local agency shall update the plan on or before
12 December 31, 2008, and every five years thereafter. For the
13 purpose of carrying out this subparagraph, the local agency shall
14 evaluate the progress made in achieving the adopted basin
15 management objectives, identify successes and shortcomings in
16 meeting those objectives, revise the basin management objectives
17 as appropriate, and develop a plan to achieve the basin
18 management objectives as they may or may not be revised. The
19 updated plans are due on or before December 31 in years ending
20 in three or eight.

21 (B) Notwithstanding subparagraph (A), a local agency is not
22 required to update a groundwater management plan on or before
23 December 31, 2008, if its plan was adopted on or after January 1,
24 2004.

25 (b) (1) (A) A local agency may receive state funds
26 administered by the department for the construction of
27 groundwater projects or for other projects that directly affect
28 groundwater levels or quality if it prepares and implements,
29 participates in, or consents to be subject to, a groundwater
30 management plan, a basinwide management plan, or other
31 integrated regional water management program or plan that
32 meets, or is in the process of meeting, the requirements of
33 subdivision (a). A local agency with an existing groundwater
34 management plan that meets the requirements of subdivision (a),
35 or a local agency that completes an upgrade of its plan to meet
36 the requirements of subdivision (a) within one year of applying
37 for funds, shall be given priority consideration for state funds
38 administered by the department over local agencies that are in the
39 process of developing a groundwater management plan. The

1 department shall withhold funds from the project until the
2 upgrade of the groundwater management plan is complete.

3 (B) Notwithstanding subparagraph (A), a local agency that
4 manages groundwater under any other provision of existing law
5 that meets the requirements of subdivision (a), or that completes
6 an upgrade of its plan to meet the requirements of subdivision (a)
7 within one year of applying for funding, shall be eligible for
8 funding administered by the department. The department shall
9 withhold funds from a project until the upgrade of the
10 groundwater management plan is complete.

11 (C) Notwithstanding subparagraph (A), a local agency that
12 conforms to the requirements of an adjudication of water rights
13 in the groundwater basin is in compliance with subdivision (a).
14 For purposes of this section, an “adjudication” includes an
15 adjudication under Section 2101, an administrative adjudication,
16 and an adjudication in state or federal court.

17 (D) Subparagraphs (A) and (B) do not apply to proposals for
18 funding under Part 2.78 (commencing with Section 10795), or to
19 funds authorized or appropriated prior to September 1, 2002.

20 (2) Upon the adoption of a groundwater management plan in
21 accordance with this part, the local agency shall submit a copy of
22 the plan, in an electronic format, if practicable, approved by the
23 department, not later than 30 days after the date of adoption, to
24 the entities identified in paragraph (3). The local agency shall
25 submit copies of amendments or changes to the plan to the
26 entities identified in paragraph (3) not later than 30 days after the
27 date of adoption. The department shall make available to the
28 public copies of the plan received pursuant to this part.

29 (3) A local agency shall submit a copy of its plan and
30 amendments to each of the following:

31 (A) The department.

32 (B) Any city or county within which the groundwater basin
33 lies in whole or in part.

34 (C) Any urban water supplier that extracts or provides water
35 supplies within the groundwater basin.

36 (D) Any agricultural water supplier that extracts or provides
37 water supplies within the groundwater basin.

38 (E) Any city or county library within which district the
39 groundwater basin lies in whole or in part.

40 (F) The California State Library.

1 (G) Any local agency formation commission within which
2 county the groundwater basin lies in whole or in part.

3 (4) Not later than 30 days after the date of adopting its plan,
4 the local agency shall make the plan available for public review
5 on the local agency's Internet Web site.

6 SEC. 15. Section 10811 of the Water Code is repealed.

7 SEC. 16. Section 10811 is added to the Water Code, to read:

8 10811. "Water conservation" means the use of practices,
9 techniques, and technologies that improve efficiency in the use of
10 water.

11 SEC. 17. Section 10814 of the Water Code is amended to
12 read:

13 10814. "Plan" means an agricultural water management plan
14 prepared pursuant to this part. A plan shall describe and evaluate
15 reasonable and practical efficient uses and cost-effective
16 conservation activities. The plan shall address measures for
17 agricultural water management as set forth in Article 2
18 (commencing with Section 10825) of Chapter 3. In addition, a
19 strategy and time schedule for implementation shall be included
20 in the plan.

21 SEC. 18. Section 10816 of the Water Code is amended to
22 read:

23 10816. (a) The Legislature finds and declares that there are
24 insufficient objective data to determine the proper size of an
25 agricultural water supplier that should prepare an agricultural
26 water management plan pursuant to this part. The Legislature
27 further finds and declares that the factors that should be
28 considered in making such a determination include all of the
29 following:

30 (1) The amount of water delivered by the agency.

31 (2) The number of customers of the agency.

32 (3) The agency's technical and financial capacity to prepare a
33 plan.

34 (4) The potential contribution of such a plan to the
35 improvement of the local and regional efficiency of agricultural
36 water use.

37 (b) (1) The department shall conduct a survey of agricultural
38 water agencies to gather data, assess and analyze that data, and
39 recommend the appropriate minimum size of a water agency that

1 should prepare an agricultural water management plan pursuant
2 to Section 10820.

3 (2) It is the intent of the Legislature that, in finalizing its
4 recommendations, the department consult with those agricultural
5 water agencies that would meet or narrowly exceed the
6 recommended threshold, as well as other interested parties.

7 (3) The department shall report its findings and
8 recommendations to the Governor and the Legislature before
9 January 1, 2008.

10 (c) It is the intent of the Legislature to respond to the
11 department's report, as provided in subdivision (b), and enact
12 legislation defining the term "agricultural water supplier" as used
13 in Section 10820.

14 SEC. 19. Section 10820 of the Water Code is repealed.

15 SEC. 20. Section 10820 is added to the Water Code, to read:

16 10820. (a) An agricultural water supplier shall prepare and
17 adopt an agricultural water management plan in the manner set
18 forth in this chapter on or before December 31, 2010.

19 (b) Every person that becomes an agricultural water supplier
20 after December 31, 2010, shall adopt an agricultural water
21 management plan within one year after the date it has become an
22 agricultural water supplier.

23 (c) An agricultural water supplier indirectly providing water
24 shall not include planning elements in its water management plan
25 as provided in Article 2 (commencing with Section 10825) that
26 would be applicable to agricultural water suppliers or public
27 agencies directly providing water, or to their customers, without
28 the consent of those suppliers or public agencies.

29 (d) (1) An agricultural water supplier may satisfy the
30 requirements of this part by adopting an urban water
31 management plan pursuant to Part 2.6 (commencing with Section
32 10610) or by participation in areawide, regional, watershed, or
33 basinwide water management planning if those plans will reduce
34 preparation costs and contribute to the achievement of
35 conservation and efficient water use.

36 (2) An agricultural water supplier, to the extent practicable,
37 shall coordinate the preparation of its plan with other appropriate
38 agencies in the area, including, but not limited to, other water
39 suppliers that share a common source, water management
40 agencies, and relevant public agencies.

1 (e) An agricultural water supplier may prepare the plan with
2 its own staff, by contract, or in cooperation with other
3 governmental agencies.

4 (f) An agricultural water supplier shall describe in the plan
5 water management tools and options used by that entity that will
6 maximize resources and minimize the need to import water from
7 other regions.

8 SEC. 21. Section 10821 of the Water Code is repealed.

9 SEC. 22. Section 10821 is added to the Water Code, to read:

10 10821. (a) An agricultural water supplier shall update its plan
11 at least once every five years on or before December 31, in years
12 ending in five or zero.

13 (b) An agricultural water supplier required to prepare a plan
14 pursuant to this part shall notify any city or county within which
15 the supplier provides water supplies that the agricultural water
16 supplier will be reviewing the plan and considering amendments
17 or changes to the plan. The agricultural water supplier may
18 consult with, and obtain comments from, any city or county that
19 receives notice pursuant to this subdivision.

20 (c) The amendments to, or changes in, the plan shall be
21 adopted and filed in the manner set forth in Article 3
22 (commencing with Section 10840).

23 (d) An agricultural water supplier shall prepare and submit, to
24 the department, in years ending in three and eight, a report
25 assessing progress in implementing the plan. The progress report
26 shall include a discussion of the specific water management
27 programs that have been or are planned to be implemented, any
28 variations from the adopted plan, and factors affecting the
29 implementation of the plan.

30 SEC. 23. Section 10822 of the Water Code is repealed.

31 SEC. 24. Section 10823 of the Water Code is repealed.

32 SEC. 25. Section 10824 of the Water Code is repealed.

33 SEC. 26. Section 10825 of the Water Code is repealed.

34 SEC. 27. Section 10825 is added to the Water Code, to read:

35 10825. (a) It is the intent of the Legislature, in enacting this
36 part, to allow levels of water management planning
37 commensurate with the numbers of customers served and the
38 volume of water supplied.

(b) Nothing in this part shall be construed to require the implementation of water conservation programs or practices that are not locally cost effective.

SEC. 28. Section 10826 of the Water Code is repealed.

SEC. 29. Section 10826 is added to the Water Code, to read:

10826. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the agricultural water supplier and the service area, including all of the following:

(1) History and size of the service area.

(2) Location of the service area and its water management facilities.

(3) Terrain and soils.

(4) Climate.

(5) Operating rules and regulations.

(6) Water delivery measurements or calculations.

(7) Water rate schedules and billing.

(8) Water shortage allocation policies.

(b) Describe the quantity and quality of water resources of the agricultural water supplier, including all of the following:

(1) Surface water supply.

(2) Groundwater supply.

(3) Other water supplies.

(4) Source water quality monitoring practices.

(5) Water uses within the water supplier's service area, including all of the following:

(A) Agricultural.

(B) Environmental.

(C) Recreational.

(D) Municipal and industrial.

(E) Groundwater recharge.

(F) Transfers and exchanges.

(G) Other water uses.

(6) Drainage from the water supplier service area.

(7) Water accounting, including:

(A) Quantifying the water supplier's water supplies.

(B) Tabulating water uses.

(C) Overall water budget.

(8) Water supply reliability.

(c) Review previous water management activities.

1 (d) Identify efficient water management practices.

2 (e) Include a cost benefit analyses of all applicable water
3 management practices.

4 (f) Develop a schedule for program implementation of
5 management practices that are locally cost effective, estimate the
6 budget needed for implementation, and identify the results
7 expected from full implementation of the agricultural water
8 management plan.

9 SEC. 30. Section 10826.1 is added to the Water Code, to
10 read:

11 10826.1. Agricultural water suppliers that are members of the
12 Agricultural Water Management Council, and that submit water
13 management plans to that council in accordance with the
14 “Memorandum of Understanding Regarding Efficient Water
15 Management Practices By Agricultural Water Suppliers In
16 California,” dated January 1, 1999, may submit the water
17 management plans identifying water demand management
18 measures currently being implemented, or scheduled for
19 implementation, to satisfy the requirements of Section 10826.

20 SEC. 31. Section 10826.2 is added to the Water Code, to
21 read:

22 10826.2. (a) Agricultural water suppliers that are required to
23 submit water conservation plans to the United States Bureau of
24 Reclamation pursuant to either the Central Valley Project
25 Improvement Act (P.L. 102-575) or the Reclamation Reform Act
26 of 1982, or both, may submit those water conservation plans to
27 satisfy the requirements of Section 10826, if both of the
28 following apply:

29 (1) The agricultural water supplier has adopted and submitted
30 the water conservation plan to the United States Bureau of
31 Reclamation within the previous four years.

32 (2) The United States Bureau of Reclamation has accepted the
33 water conservation plan as adequate.

34 (b) Notwithstanding subdivision (a) of Section 10821, nothing
35 in this part is intended to require agricultural water suppliers that
36 are required to submit water conservation plans to the United
37 States Bureau of Reclamation pursuant to either the Central
38 Valley Project Improvement Act (P.L. 102-575) or the
39 Reclamation Reform Act of 1982, or both, to develop and adopt

1 water conservation plans on a schedule different from that
2 required by the United States Bureau of Reclamation.

3 SEC. 32. Section 10840 of the Water Code is amended to
4 read:

5 10840. Every agricultural water supplier shall prepare its plan
6 pursuant to Article 2 (commencing with Section 10825).

7 SEC. 33. Section 10841 of the Water Code is amended to
8 read:

9 10841. An agricultural water supplier required to prepare a
10 plan may consult with, and obtain comments from, any public
11 agency or state agency or any person who has special expertise
12 with respect to water conservation and reclamation and
13 management methods and techniques.

14 SEC. 34. Section 10844 of the Water Code is amended to
15 read:

16 10844. (a) An agricultural water supplier shall file with the
17 entities listed in subdivision (b) a copy of its plan no later than 30
18 days after adoption. Copies of amendments or changes to the
19 plans shall be filed with the entities listed in subdivision (b)
20 within 30 days after adoption.

21 (b) An agricultural water supplier shall file a copy of its plan
22 and amendments or changes to the plan with each of the
23 following entities:

24 (1) The department.

25 (2) Any city or county, or city and county, within which the
26 agricultural water supplier provides water supplies.

27 (3) Any groundwater management entities within which the
28 agricultural water supplier extracts or provides water supplies.

29 (4) Any urban water supplier within which district the
30 agricultural water supplier provides water supplies.

31 (5) Any city or county library within which district the
32 agricultural water supplier provides water supplies.

33 (6) The California State Library.

34 (7) Any local agency formation commission within which
35 county the agricultural water supplier provides water supplies.

36 (c) The department shall prepare and submit to the Legislature,
37 on or before December 31, in the years ending in six or one, a
38 report summarizing the status of the plans adopted pursuant to
39 this part. The report prepared by the department shall identify the
40 outstanding elements of the individual plans. The report shall

1 include an evaluation of the effectiveness of this part in
2 promoting efficient agricultural water management practices and
3 shall include recommendations relating to proposed changes to
4 this part, as appropriate. The department shall provide a copy of
5 the report to each agricultural water supplier that has submitted
6 its plan to the department. The department shall also prepare
7 reports and provide data for any legislative hearings designed to
8 consider the effectiveness of plans submitted pursuant to this
9 part. Nothing in this subdivision authorizes the department, in
10 preparing the report, to approve, disapprove, or critique
11 individual plans submitted pursuant to this part.

12 SEC. 35. Section 10845 of the Water Code is repealed.

13 SEC. 36. Section 10845 is added to the Water Code, to read:

14 10845. (a) Not later than 30 days after the date of adopting
15 its plan, the agricultural water supplier shall make the plan
16 available for public review on the agricultural water supplier's
17 Internet Web site.

18 (b) An agricultural water supplier that does not have an
19 Internet Web site shall submit to the department, not later than 30
20 days after the date of adopting its plan, a copy of the adopted
21 plan in an electronic format. The department shall make the plan
22 available for public review on the department's Web site.

23 SEC. 37. Section 10853 of the Water Code is repealed.

24 SEC. 38. Section 10853 is added to the Water Code, to read:

25 10853. The adoption of a plan as specified in Section 10820
26 satisfies any requirements of state statute, regulation, or order,
27 including those of the board, for the preparation of water
28 management plans. If the board requires additional information
29 concerning water conservation to implement its existing
30 authority, nothing in this part limits that board in obtaining that
31 information.

32 SEC. 39. Section 10854 of the Water Code is repealed.

33 SEC. 40. Section 10854 is added to the Water Code, to read:

34 10854. An agricultural water supplier that does not prepare,
35 adopt, and submit its agricultural water management plan in
36 accordance with this part, is ineligible to receive funds made
37 available pursuant to any program administered by the board, the
38 department, or the California Bay-Delta Authority until the
39 agricultural water management plan is submitted pursuant to this
40 article.

1 SEC. 41. Section 10855 of the Water Code is repealed.

2 SEC. 42. Part 2.11 (commencing with Section 10920) is
3 added to Division 6 of the Water Code, to read:

4
5 PART 2.11. GROUNDWATER MONITORING

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 10920. (a) It is the intent of the Legislature that by January 1,
10 2009, groundwater elevations in all groundwater basins and
11 subbasins be regularly and systematically monitored locally and
12 that the resulting groundwater information be made readily and
13 widely available.

14 (b) It is further the intent of the Legislature that, if local
15 groundwater interests are unable or unwilling to perform the
16 monitoring functions described in this part, the department shall
17 assume those monitoring functions and the department shall
18 recover its costs for conducting the necessary monitoring from
19 the local groundwater users.

20 *(c) It is further the intent of the Legislature that the*
21 *department continue to maintain its current network of*
22 *monitoring wells, including groundwater elevation and*
23 *groundwater quality monitoring wells, and that the department*
24 *continue to coordinate monitoring with local entities.*

25 10921. Nothing in this part shall be construed to require
26 monitoring groundwater elevations in areas that are not within a
27 defined basin or subbasin.

28 10922. Nothing in this part shall be construed to expand or
29 otherwise affect the department's powers or duties relating to
30 groundwater beyond those expressly granted by this part.

31
32 CHAPTER 2. DEFINITIONS

33
34 10925. Unless the context otherwise requires, the definitions
35 set forth in this section govern the construction of this part.

36 (a) "Basin or subbasin" means the groundwater basins or
37 subbasins identified and defined in Bulletin No. 118.

38 (b) "Bulletin No. 118" means the department's report entitled
39 "California's Groundwater: Bulletin 118" updated in 2003, or as

1 it may be subsequently updated or revised in accordance with
2 Section 12924.

3 (c) “Monitoring entity” means a party conducting or
4 coordinating the monitoring of groundwater elevations pursuant
5 to this part.

6 (d) “Monitoring functions” and “groundwater monitoring
7 functions” mean the monitoring of groundwater elevations, the
8 reporting of those elevations to the department, and other related
9 actions required by this part.

10 ~~(d)~~

11 (e) “Monitoring groundwater elevations” means monitoring
12 groundwater elevations, coordinating the monitoring of
13 groundwater elevations, or both.

14 ~~(e)~~

15 (f) “Voluntary cooperative groundwater monitoring
16 association” means an association formed for the purposes of
17 monitoring groundwater elevations pursuant to Section 10935.

18
19 CHAPTER 3. GROUNDWATER MONITORING PROGRAM
20

21 10927. Any of the following entities may assume
22 responsibility for monitoring and reporting groundwater
23 elevations ~~for~~ in all or a part of a basin or subbasin in accordance
24 with this part:

25 (a) A watermaster or water management engineer appointed
26 by a court or pursuant to statute to administer a final judgment
27 determining rights to groundwater.

28 (b) (1) A groundwater management agency with statutory
29 authority over groundwater management pursuant to its principle
30 act, ~~including a district established pursuant to Division 18~~
31 ~~(commencing with Section 60000), that is monitoring that is~~
32 *monitoring groundwater elevations in all or a part of a*
33 *groundwater basin or subbasin on or before January 1, 2007.*

34 (2) *A water replenishment district established pursuant to*
35 *Division 18 (commencing with Section 60000). Nothing in this*
36 *section shall be construed to expand or otherwise affect a water*
37 *replenishment district’s authority relating to monitoring*
38 *groundwater elevations.*

39 (c) A local agency that is managing all or part of a
40 groundwater basin or subbasin pursuant to Part 2.75

1 (commencing with Section 10750) of Division 6 *and that was*
2 *monitoring groundwater elevations in all or a part of a*
3 *groundwater basin or subbasin on or before January 1, 2007, or*
4 a local agency or county that is managing all or part of a
5 groundwater basin or subbasin pursuant to any other legally
6 enforceable groundwater management plan with provisions that
7 are substantively similar to those described in that part *and that*
8 *was monitoring groundwater elevations in all or a part of a*
9 *groundwater basin or subbasin on or before January 1, 2007.*

10 (d) A local agency that is managing all or part of a
11 groundwater basin or subbasin pursuant to an integrated regional
12 water management plan developed pursuant to Part 2.2
13 (commencing with Section 10530) of Division 6 that includes a
14 groundwater management component that complies with the
15 requirements of Section 10753.7.

16 (e) A county that is not managing all or a part of a
17 groundwater basin or subbasin pursuant to a legally enforceable
18 groundwater management plan with provisions that are
19 substantively similar to those described in Part 2.75
20 (commencing with Section 10750) of Division 6.

21 (f) A voluntary cooperative groundwater monitoring
22 association formed pursuant to Section 10935.

23 (g) The department pursuant to Section 10934.

24 10928. (a) Any entity described in subdivision (a) or (b) of
25 Section 10927 that seeks to assume the groundwater monitoring
26 functions in accordance with this part shall notify the department,
27 in writing, by January 1, 2008. The notification shall include all
28 of the following information:

29 (1) The entity's name, address, telephone number, and any
30 other relevant contact information.

31 (2) The specific authority described in Section 10927 pursuant
32 to which the entity qualifies to assume the groundwater
33 monitoring functions.

34 (3) A map showing the area for which the entity is requesting
35 to perform the groundwater monitoring functions.

36 (4) A statement that the entity will comply with all of the
37 requirements of this part.

38 (b) Any entity described in subdivision (c), (d), (e), or (f) of
39 Section 10927 that seeks to assume groundwater monitoring
40 functions in accordance with this part shall notify the department,

1 in writing, by January 1, 2008. The information provided in the
2 notification shall include all of the following:

3 (1) The entity's name, address, telephone number, and any
4 other relevant contact information.

5 (2) The specific authority described in Section 10927 pursuant
6 to which the entity qualifies to assume the groundwater
7 monitoring functions.

8 (A) For entities that seek to qualify pursuant to subdivision (c)
9 or (d) of Section 10927, the notification shall also include a copy
10 of the current groundwater management plan or the groundwater
11 component of the integrated regional water management plan, as
12 appropriate.

13 (B) For entities that seek to qualify pursuant to subdivision (f)
14 of Section 10927, the notification shall include a commitment to
15 meet the requirements of Section 10935.

16 (3) A map showing the area for which the entity is proposing
17 to perform the groundwater monitoring functions.

18 (4) A statement that the entity will comply with all of the
19 requirements of this part.

20 (5) A statement describing the ability and qualifications of the
21 entity to conduct ~~or coordinate the monitoring~~ *the groundwater*
22 *monitoring functions* required by this part.

23 (c) The department may request additional information that it
24 deems necessary for the purposes of determining the area that is
25 proposed to be monitored or the qualifications of the entity to
26 perform the groundwater monitoring functions.

27 10929. (a) The department shall review all notifications
28 received pursuant to Section 10928. Upon the receipt of a
29 notification pursuant to subdivision (a) of Section 10928, the
30 department shall verify that the notifying entity has the
31 appropriate authority under subdivision (a) or (b) of Section
32 10927. Upon the receipt of a notification pursuant to subdivision
33 (b) of Section 10928, the department shall do both of the
34 following:

35 (1) Verify that each notification is complete.

36 (2) Assess the qualifications of the notifying party.

37 (b) If the department has questions about the completeness or
38 accuracy of a notification, or the qualifications of a party, the
39 department shall contact the party to resolve any deficiencies. If
40 the department is unable to resolve the deficiencies, the

1 department shall notify the party in writing that the notification
2 will not be considered further until the deficiencies are corrected.

3 (c) If the department determines that more than one party
4 seeks to become the monitoring entity for the same portion of a
5 basin or subbasin, the department shall consult with the
6 interested parties to determine which party will perform the
7 monitoring functions. In determining which party will perform
8 the monitoring functions under this part, the department shall
9 follow the order in which entities are listed in Section 10927.

10 (d) The department shall advise each party on the status of its
11 notification within three months of receiving the notification.

12 10930. Upon completion of each review pursuant to Section
13 10929, the department shall do both of the following:

14 (a) Notify the party in writing that it is a monitoring entity and
15 the specific portion of the basin or subbasin for which it shall
16 assume groundwater monitoring functions.

17 (b) Post on the department's Internet Web site information that
18 identifies the monitoring entity and the portion of the basin or
19 subbasin for which the monitoring entity will be responsible.

20 10931. (a) The department shall work cooperatively with
21 ~~each monitoring entity to reach an agreement with regard to the~~
22 ~~manner in which the monitoring entity will monitor and report~~
23 ~~groundwater elevations. In developing the agreement, the each~~
24 ~~monitoring entity to determine the manner in which groundwater~~
25 ~~elevation information should be reported to the department~~
26 ~~pursuant to this part. In determining what information should be~~
27 ~~reported to the department, the department shall defer to existing~~
28 ~~monitoring programs if those programs result in information that~~
29 ~~demonstrates seasonal and long-term trends in groundwater~~
30 ~~elevations. The department shall collaborate with the State~~
31 ~~Department of Health Services to ensure that the agreements the~~
32 ~~information reported to the department would not result in the~~
33 ~~inappropriate disclosure of the physical address or geographical~~
34 ~~location of drinking water sources, storage facilities, pumping~~
35 ~~operational data, or treatment facilities.~~

36 ~~(b) The agreement may include all of the following:~~

37 ~~(1) An identification of the wells to be monitored.~~

38 ~~(2) The frequency of monitoring each well.~~

39 ~~(3) The method of measurement of groundwater elevations for~~
40 ~~each well.~~

1 ~~(4) The method of reporting the information to the department.~~

2 ~~(e)~~

3 (b) (1) For the purposes of this part, the department may make
4 nonbinding recommendations for improving an existing
5 monitoring program, including recommendations for additional
6 monitoring wells.

7 (2) The department may not require additional monitoring
8 wells unless funds are provided for that purpose.

9 10932. Monitoring entities shall commence monitoring and
10 reporting groundwater elevations pursuant to this part by January
11 1, 2009.

12 10933. (a) On or before January 1, 2009, the department
13 shall commence to identify the extent of monitoring *of*
14 *groundwater elevations* that is being undertaken within each
15 basin and subbasin.

16 (b) The department shall prioritize groundwater basins and
17 subbasins for the purpose of implementing this section. In
18 prioritizing the basins and subbasins, the department shall, to the
19 extent data are available, consider all of the following:

20 (1) The population overlying the basin or subbasin.

21 (2) The rate of current and projected growth of the population
22 overlying the basin or subbasin.

23 (3) The number of public supply wells that draw from the
24 basin or subbasin.

25 (4) The total number of wells that draw from the basin or
26 subbasin.

27 (5) The irrigated acreage overlying the basin or subbasin.

28 (6) The degree to which persons overlying the basin or
29 subbasin rely on groundwater as their primary source of water.

30 (7) Any documented impacts on the groundwater within the
31 basin or subbasin, including overdraft, subsidence, saline
32 intrusion, or other water quality degradation.

33 (8) Any other information determined to be relevant by the
34 department.

35 (c) If the department determines that all or part of a basin or
36 subbasin is not being monitored pursuant to this part, the
37 department shall do all of the following:

38 (1) Attempt to contact all well owners within the area not
39 being monitored.

1 (2) Determine if there is an interest in establishing any of the
2 following:

3 (A) A groundwater management plan pursuant to Part 2.75
4 (commencing with Section 10750) of Division 6.

5 (B) An integrated regional water management plan pursuant to
6 Part 2.2 (commencing with Section 10530) of Division 6 that
7 includes a groundwater management component that complies
8 with the requirements of Section 10753.7.

9 (C) A voluntary groundwater monitoring association pursuant
10 to Section 10935.

11 (d) If the department determines there is sufficient interest in
12 establishing a plan or association described in paragraph (2) of
13 subdivision (c), or if the county agrees to perform the
14 groundwater monitoring functions in accordance with this part,
15 the department shall work cooperatively with the interested
16 parties to comply with the requirements of this part within two
17 years.

18 (e) If the department determines, with regard to a basin or
19 subbasin, that there is insufficient interest in establishing a plan
20 or association described in paragraph (2) of subdivision (c), and
21 if the county decides not to perform the groundwater monitoring
22 and reporting functions of this part, the department shall do the
23 following:

24 (1) Identify any existing monitoring wells that overly the basin
25 or subbasin that are owned or operated by the department or any
26 other state or federal agency.

27 (2) Determine whether those existing monitoring wells
28 provide sufficient information to demonstrate seasonal and
29 long-term trends in groundwater elevations.

30 (3) If the department determines that the monitoring wells
31 identified in paragraph (1) provide sufficient information to
32 demonstrate seasonal and long-term trends in groundwater
33 elevations, the department shall not establish a groundwater
34 monitoring district.

35 (4) If the department determines that the monitoring wells
36 identified in paragraph (1) provide insufficient information to
37 demonstrate seasonal and long-term trends in groundwater
38 elevations, and the State Mining and Geology Board concurs
39 with that determination, the department shall establish a
40 groundwater monitoring district pursuant to Section 10934.

1 10934. (a) Consistent with Section 10933, the department
2 shall establish one or more groundwater monitoring districts for
3 those portions of a basin or subbasin for which no monitoring
4 entity has agreed to perform the monitoring functions described
5 in this part.

6 (b) Upon determining that it is required to form a groundwater
7 monitoring district, the department shall notify both of the
8 following entities that it is forming the groundwater monitoring
9 district:

10 (1) Each well owner within the affected area.

11 (2) Each county that contains all or a part of the affected area.

12 (c) The department shall impose a charge on each well owner
13 for its share of the department's cost to perform the groundwater
14 monitoring required under this part.

15 (d) The department shall not assess a fee or charge to recover
16 the costs for carrying out its power and duties under this part,
17 except as provided in subdivision (c).

18 (e) The department may establish regulations to implement
19 this section.

20 10935. (a) A voluntary cooperative groundwater monitoring
21 association may be formed for the purposes of monitoring
22 groundwater elevations in accordance with this part. The
23 association may be established by contract, a joint powers
24 agreement, a memorandum of agreement, or other form of
25 agreement deemed acceptable by the department.

26 (b) Upon notification by one or more entities that seek to form
27 a voluntary cooperative groundwater monitoring association, the
28 department shall work cooperatively with the interested parties to
29 facilitate the formation of the association.

30 (c) The contract or agreement shall include all of the
31 following:

32 (1) The names of the participants.

33 (2) The boundaries of the area covered by the agreement.

34 (3) The name or names of the parties responsible for meeting
35 the requirements of this part.

36 (4) The method of recovering the costs associated with
37 meeting the requirements of this part.

38 (5) Other provisions that may be required by the department.

39 SEC. 43. Section 12924 of the Water Code is amended to
40 read:

1 12924. (a) The department, in conjunction with other public
2 agencies, shall conduct an investigation of the state's
3 groundwater basins. The department shall identify the state's
4 groundwater basins on the basis of geological and hydrological
5 conditions and consideration of political boundary lines
6 whenever practical. The department shall also investigate
7 existing general patterns of groundwater pumping and
8 groundwater recharge within basins to the extent necessary to
9 identify basins that are subject to critical conditions of overdraft.

10 (b) The department shall report its findings to the Governor
11 and the Legislature not later than January 1, 2010, and thereafter
12 in years ending in 5 or 0.

13 SEC. 44. If the Commission on State Mandates determines
14 that this act contains costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be
16 made pursuant to Part 7 (commencing with Section 17500) of
17 Division 4 of Title 2 of the Government Code.